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APPLICATION NUMBER 08/392,280	FILING DATE 02/22/95	FIRST NAMED APPLICANT WILENS	ATTORNEY DOCKET NO. PRW 004
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EXAMINER SAGER, R

ART UNIT 3504	PAPER NUMBER
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DATE MAILED:

01/27/97
01/27/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on Oct 8, 1996 Amdt

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 2, and 6-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3, and 6-40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Claim Rejections - 35 USC § 112

1. Claims 1, 3 and 6-40 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "to be" is indefinite for not clearly claiming the metes and bounds of the invention.

The terms "general", "handheld" and "portable" are indefinite for not clearly claiming the metes and bounds of the invention. Examiner recommends deleting the term "general", "handheld" was previously deemed indefinite (*supra*) and an object may be "portable" which is transported on a cart, carried by a person, pulled by a vehicle or shipped to a location.

The phrase "choosing one of the game-interactive... determines the number of pre-game information screens" is confusing in that since pre-game, game-interactive and post-game refers to three sequentially phased screen types dependent upon a phase of a game of golf a player would enter data while playing the game, the choosing of a game-interactive screen (which is assumed to be after pre-game information screens have been viewed and entered) appears out of phase context of when a player would view and enter data on the screen. Examiner notes the "choosing" step appears to select a "reporting mode" which determines the amount of data which a player wants to record.

mod the phrases "the number", "the display", "the user", "the entry", "the chosen", "the effect" and "the entered" each lack antecedent basis, are inconsistent with prior claim language or are indefinite for not clearly claiming the metes and bounds of the invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1, 3 and 6-9 and 11-15 and 17-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Barber. Barber shows an apparatus and method (3:35 - 8:36, Figs. 1-10) which includes storing a plurality of game-interactive (Figs. 1-2, 4 and 6-7), and post-game (6:35-44, 7:44-49, 8:12-23, Figs. 9-10) information screens in memory of a handheld unit having a display which selectively displays a screen (5:4-40, Figs. 1-2, 4, 6-7 and 9-10), displaying sequentially screens and entry of data which defines parameters of a game (7:44-68, 8:1-14), providing a choice among screens for recording data (Figs. 1-2, 4, 6-7), displaying a chosen game-interactive recording screen (Figs. 1-2, 4, 6-7), entering data in chosen game-interactive screen and recording entered data in memory (8:12-14, Figs. 4, 6-9), and providing post-game reports (Fig. 10), where the game-interactive screen are data entry screens (8:12-14, Figs. 4 and 9) for each hole of a round of golf and post game is the total score for a round of golf (Fig. 10).

Barber does not show "pre-game" information screens. Entry of initializing data on a initializing (pre-game) screen prior to initiating play is so well known in the gaming and golf industry. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine a pre-game screen such as a initializing screen as is so well known in gaming and golf industry with Barber's method in order to make it easier for record keeping or tallying purposes by recording in the device for instance the number of players, player names who will play a round of golf and type of round of golf (raw/handicap scoring and/or competitions or wagers). Examiner notes that "initializing (pre-game) screen" refers to a game set-up information screen to input number of players and/or holes, player names, raw or handicapped scoring, etc. which are parameters of a game (examiner notes instant disclosure Fig. 3). Regarding claim 11, Barber shows providing one or more game-interactive advice screens (5:34-37, 6:40-45, Figs. 1-2, 4, 6-8).

Further regarding claims 12-14, Barber shows a method which comprises the steps and features of instant claims (supra) for providing a computer unit with a memory, display and data selection entry keys (Figs. 1-2, 4 and 6), storing a plurality of information screens in memory of the computer unit, including screen-dependent data input fields corresponding to the golf play information (Figs. 1-2, 4 and 6), selectively displaying information screens on the display in a logical sequence, where it would have been obvious to include a pre-game screen as an "initializing screen" (supra), selecting data input fields on a displayed information screen (Figs. 1-2, 4 and 6), storing selected golf information in memory (6:23-68, 7:1-2) as

statistical or factual reports for retrieval by the user after the game (Figs. 9-10) where the information entered in the pre-game screen comprises golf play parameters defining a game to be played (supra), the data entered in the game-interactive screen comprises golf play data values defining a user's actual performance (Figs. 1-2, 4, 6 and 9-10), the golf game parameters are entered in the pre-game mode (supra) while the golf data values are entered in the game interactive mode (supra).

Regarding claims 1, 15 and 19, examiner notes means for paging (page up/page down) screens of information, means for tabbing (tab keys) and means for scrolling (scroll keys or rotary keys) are so well known methods of display control and cursor control as defined in Class 345, subclass 121+ that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine paging, tabbing and scrolling means with Barber's apparatus since such means are so well known for aiding display control and cursor movement control.

Regarding claims 3 and 17-18, means for selecting screens are display controller functions (note: Class 345, subclass 121+) and such means are well known; therefore, it would have been obvious at the time the invention was made to combine "means for selecting non-sequential option screens" as means for selecting are so well known with Barber's apparatus. Examiner notes claim language does not preclude use of a qwerty keyboard for achieving the three keying means. Barber shows features of claims 7-9

(supra). Regarding claim 6, Barber shows features of claim 6 as broadly claimed (examiner notes changing colors of screen would meet this claim); alternatively, it is so well known to customize display of data such as changing screen colors from a color palette or options of colors that it would have been obvious at the time the invention was made to combine "customized set of screen-changing options" with Barber's apparatus.

4. Claims 21-26 and 28-40 are rejected under 35 U.S.C. 103 as being unpatentable over Barber in combination with Boman. Barber shows an apparatus and method comprising instant features and steps (supra) except extrinsic factors. Examiner notes to an artisan of golf it is so well known that there are extrinsic factors such as weather, type of clubs used, type of golf ball(s) used which affect the play of the game of golf and that such factors are well documented (note cited art considered pertinent and art included in previous information disclosure statement). Boman discloses a system and method for recording and displaying golf data during game play which includes extrinsic factors. Further, Boman's system and method is usable in conjunction with other golf computers (6:58 - 7:3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine extrinsic factors as are so well known to affect golf play and as disclosed by Boman with Barber's apparatus in order for a golfer to document extrinsic factors for a game of golf for later review and analysis.

Allowable Subject Matter

5. Claims 10, 16, 20 and 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.
6. Examiner notes for claims 1, 15 and 19, the data retrieval and input through use of three keying means does not preclude use of a qwerty keyboard with functional (secondary or tertiary) keys or use of tab key, page up/down keys (or directional arrow keys) and numerical keys for values due to "comprising"; examiner recommends including --only-- prior to "bi-directional" and --key means for selectively displaying information screens comprising only an entry key and only a choice key-- (or similar) to distinguish the keying means as being through only three keying means comprising only six keys (only two for each keying means).

Response to Amendment

7. Applicant's arguments with respect to claims 1, 3 and 6-9, 11-15, 17-19, 21-26 and 28-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foster ('919 and '046), Miller, Rudnick et al, Vulcano, Hermann and Torok are each considered pertinent to applicant's disclosure for showing paging, scrolling, and/or tabbing features. Bonito et al and

Jenkins et al each show golf information systems which provide advice.

9. This action is made NON-FINAL in order to allow applicant an opportunity to respond to new issues.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on M-TH from 0700 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Jessica Harrison, can be reached on (703) 308-2217. The fax phone number for this Group is (703) 205-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0858.



MAS
Dec. 18, 1996



JESSICA HARRISON
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